

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE STATE STREET BANK AND TRUST :
CO. ERISA LITIGATION :

This document relates to: : 07 Civ. 8488 (RJH)
07 Civ. 8488 :
07 Civ. 9319 :
07 Civ. 9687 :
08 Civ. 0265 :
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**DECLARATION OF MARK DUGGAN
IN SUPPORT OF STATE STREET'S REPLY**

I, MARK DUGGAN, hereby declare as follows:

1. I am Senior Managing Director and Deputy General Counsel of State Street Global Advisors (“SSgA”). I make this declaration in support of the reply memorandum submitted by defendants State Street Bank and Trust Company (“SSBT”) and State Street Global Advisors, Inc. (together, “State Street”) in support of State Street’s motion to transfer venue (“State Street’s Motion”) to the District of Massachusetts pursuant to 28 U.S.C. § 1404(a).
2. As I understand it, Prudential Retirement Insurance and Annuity Company (“Prudential”) has submitted to the Court a memorandum of law in opposition to State Street’s Motion. Prudential’s opposition contains a list of likely witnesses, which includes James Hopkins, Michael O’Hara, Ting Li, and Patrick Armstrong.
3. Mr. Hopkins is a current SSgA employee who works in State Street’s Boston, Massachusetts offices.
4. Mr. O’Hara is a former SSgA employee who resides in the Boston area.
5. Ms. Li is a current SSgA employee who works in SSgA’s Hong Kong offices.

6. Mr. Armstrong is a current SSgA employee who works in SSgA's Paris offices.

7. As set forth in the declaration I previously submitted to the Court in connection with State Street's Motion, SSgA is the division of SSBT that provides the investment management services that are at issue in the above-captioned matters. Fewer than five SSgA employees work in New York. None of these employees has any material connection to this litigation, and none would likely serve as a witness at any trial.

8. As set forth in my prior declaration, both portfolio managers and product engineers may be likely witnesses at any trial in these matters. Portfolio managers are the individuals who make investment decisions for the active fixed income funds at issue in this litigation. Product engineers do not make investment decisions for the funds.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2008



Mark Duggan

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 7th day of April, 2008, a true and correct copy of the foregoing Declaration of Mark Duggan in Support of State Street's Reply has been filed electronically using the Court's Electronic Case Filing System and, therefore, has been served upon all counsel who are Filing Users pursuant to Fed. R. Civ. P. 5(b)(3), Local Rule 5.2, and the Court's Procedures for Electronic Case Filing (No. 9). A copy of the foregoing Declaration of Mark Duggan in Support of State Street's Reply has also been served by U.S. mail upon the following:

Gretchen Freeman Cappio
KELLER ROHRBACK LLP
1201 Third Avenue
Suite 3200
Seattle, WA 98101

Tyler L. Farmer
KELLER ROHRBACK LLP
1201 Third Avenue
Suite 3200
Seattle, WA 98101

Gerald H. Silk
BERNSTEIN LITOWITZ BERGER & GROSSMAN LLP
1285 Avenue of the Americas
New York, NY 10019

/s/ Olivia S. Choe